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30636 7590 02/14/2008 FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			EXAMINER MAI, KEVIN S	
			ART UNIT 4121	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/800,452	Applicant(s) BEACH ET AL.	
	Examiner KEVIN S. MAI	Art Unit 4121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15 March 2004 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15 March 2004 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/01/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 40 have been examined and are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 20 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims recite "at least one of an audio and a video signal/sensor." This was seen to convey one of two meanings: either it meant at least one of the set of an audio and a video signal/sensor, as in both signals/sensors would be needed, or at least one of an audio or a video signal/sensor, as in only one of them was needed. However, in view of the specification, it was likely meant to convey at least one of an audio or video signal/sensor. This is how it will be interpreted for the remainder of the action. Although it is seen that the way it is originally written can be interpreted to mean the same thing it would seem that it is more clear using "or" instead of "and."

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 3, 10 – 12, 20 – 22, 29 – 31, 39, and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6507734 to Berger et al. (hereinafter “Berger”).

As to Claim 1, Berger teaches a method for configuring a mobile device, comprising:

receiving at least one of an audio and a video signal encoded with configuration data from an interface unit proximate the mobile device (Column 2 lines 50 – 58 of Berger discloses transmitting a sound based on a security code (configuration data) at the base station (interface unit) and then receiving the sound at the handset (mobile device)); **and**

configuring the mobile device based on the configuration data (Column 2 lines 50 – 58 of Berger discloses establishing a radio frequency link between the handset and the base station utilizing the security code. This is seen to be configuring the handset based on the configuration data since the link is being established using the security code).

As to Claim 2, Berger teaches the method of claim 1, further comprising initiating a connection between the mobile device and a communication network responsive to configuring the mobile device (Column 2 lines 50 – 58 of Berger discloses establishing a radio frequency link between the handset and the base station utilizing the security code. The radio frequency link is seen to be the connection that is

initiated between the mobile device and the communication network. Wherein this is representative of the scenario disclosed by the applicant where the interface unit may actually implement the network and the mobile device connects to the network through the interface unit for communication, as opposed to directly connecting to the network. Thus it is seen to be the same thing as connecting to the communication network).

As to Claim 3, Berger teaches the method of claim 2, wherein the interface unit is coupled to the communication network (Figure 1 of Berger discloses the base unit being connected to the telephone network), **and the method further comprises sending a confirmation message from the mobile device through the communication network to the interface unit responsive to initiating the connection** (Column 6 lines 5 – 10 of Berger discloses that in response to receiving the sound the handset transmits a signal over the radio frequency link to the base unit utilizing the security code. Wherein this is representative of the scenario disclosed by the applicant where the interface unit may actually implement the network and the mobile device connects to the network through the interface unit for communication, as opposed to directly connecting to the network. Thus it is seen that the sending the confirmation through the radio frequency link is the same as being sent through the network).

As to Claim 10, Berger teaches a method for configuring a mobile device to access a communication network, comprising:

initiating a client-to-client connection between the mobile device and an interface unit coupled to the communication network (Column 5 lines 59 – 67 and column 6 lines 1 – 10 of Berger discloses a handset and base station communicating with each other using sound to initialize a first radio frequency link);

receiving configuration data from the interface unit over the client-to-client connection (Column 6 lines 10 – 20 of Berger discloses the base unit transmitting additional security information to the handset via the first radio frequency link to establish a more secure radio frequency link); **and**

configuring the mobile device based on the configuration data (Column 6 lines 10 – 20 of Berger discloses that both the base unit and the handset then utilize the additional security information to establish the link. This is seen to be configuring both sides based on the security information).

As to **Claim 11**, Berger teaches **the method of claim 10, further comprising initiating a connection between the mobile device and the communication network responsive to configuring the mobile device** (Column 6 lines 10 – 20 of Berger discloses that both the base unit and the handset then utilize the additional security information to establish a secure radio frequency link. Wherein this is representative of the scenario disclosed by the applicant where the interface unit may actually implement the network and the mobile device connects to the network through the interface unit for

communication, as opposed to directly connecting to the network. Thus it is seen to be the same thing as connecting to the communication network).

As to Claim 12, Berger teaches the method of claim 11, further comprising sending a confirmation message from the mobile device through the communication network to the interface unit responsive to initiating the connection between the mobile device and the communication network (Column 6 lines 5 – 10 of Berger discloses that in response to receiving the sound the handset transmits a signal over the radio frequency link to the base unit utilizing the security code. Wherein this is representative of the scenario disclosed by the applicant where the interface unit may actually implement the network and the mobile device connects to the network through the interface unit for communication, as opposed to directly connecting to the network).

As to Claim 20, Berger teaches a mobile device, comprising:

at least one of an audio sensor and a video sensor (Column 5 lines 65 – 67 of Berger discloses that the transmitted security code is received by the microphone of the handset. Where the microphone is seen to be an audio sensor since it is picking up the security code that is transmitted via sound); **and**

a processing unit coupled to at least one of the audio sensor and the video sensor and adapted to receive a signal encoded with configuration data through at least one

of the audio sensor and the video sensor from an interface unit proximate the mobile device and configure the mobile device based on the configuration data (Column 5 lines 9 – 20 of Berger discloses that the handset has a microprocessor for controlling the handsets functions. Then column 2 lines 50 – 58 of Berger disclose transmitting a sound based on a security code at the base station and then receiving the sound at the handset. Further column 2 lines 50 – 58 of Berger disclose establishing a radio frequency link between the handset and the base station utilizing the security code. Since it is the handset performing these functions it would be inherent that the handset's microprocessor would be responsible for these actions).

As to Claim 21, Berger teaches the system of claim 20, wherein the processing unit is further adapted to initiate a connection with a communication network responsive to configuring the mobile device (Column 2 lines 50 – 58 of Berger discloses that the handset establishes a radio frequency link between the handset and the base station utilizing the security code. The radio frequency link is seen to be the connection that is initiated between the mobile device and the communication network. Wherein this is representative of the scenario disclosed by the applicant where the interface unit may actually implement the network and the mobile device connects to the network through the interface unit for communication, as opposed to directly connecting to the network. Thus it is seen to be the same thing as connecting to the communication network).

As to Claim 22, Berger teaches the system of claim 21, wherein the processing unit is further adapted to send a confirmation message through the connection with the communication network to the interface unit responsive to initiating the connection with the communication network (Column 6 lines 5 – 10 of Berger it is disclosed that in response to receiving the sound the handset transmits a signal over the radio frequency link to the base unit utilizing the security code. Wherein this is representative of the scenario disclosed by the applicant where the interface unit may actually implement the network and the mobile device connects to the network through the interface unit for communication, as opposed to directly connecting to the network).

As to Claim 29, Berger teaches a communication system, comprising:

a communication network (Figure 1 of Berger discloses a telephone network, this is seen to be a communication network);

an interface unit coupled to the communication network (Figure 1 of Berger discloses a base unit being connected to the telephone network); **and**

a mobile device including a processing unit adapted to initiate a client-to-client connection between the mobile device and the interface unit, receive configuration data from the interface unit over the client-to-client connection, and configure the mobile device based on the configuration data (Column 5 lines 9 – 20 of Berger

discloses that the handset has a microprocessor for controlling the handsets functions.

Then figure 3 of Berger discloses begin initialization between the two units, then sending a security code to begin establishing a radio frequency link, and then transmitting additional security information to establishing a secure radio frequency link. This is seen to be the same as initiating a connection, receiving configuration data, and then configuring the mobile device. Since it is the handset performing these functions it would be inherent that the handset's microprocessor would be responsible for these actions).

As to Claim 30, Berger teaches the system of claim 29, wherein the processing unit is adapted to initiate a connection with the communication network responsive to configuring the mobile device (Column 2 lines 50 – 58 of Berger it is disclosed that the handset establishes a radio frequency link between the handset and the base station utilizing the security code. The radio frequency link is seen to be the connection that is initiated between the mobile device and the communication network. Wherein this is representative of the scenario disclosed by the applicant where the interface unit may actually implement the network and the mobile device connects to the network through the interface unit for communication, as opposed to directly connecting to the network. Thus it is seen to be the same thing as connecting to the communication network).

As to Claim 31, Berger teaches the system of claim 30, wherein the processing unit is further adapted to send a confirmation message through the connection with

communication network to the interface unit responsive to initiating the connection with the communication network (Column 6 lines 5 – 10 of Berger it is disclosed that in response to receiving the sound the handset transmits a signal over the radio frequency link to the base unit utilizing the security code. Wherein this is representative of the scenario disclosed by the applicant where the interface unit may actually implement the network and the mobile device connects to the network through the interface unit for communication, as opposed to directly connecting to the network).

As to Claim 39, Berger teaches an apparatus, comprising:

means for receiving at least one of an audio and a video signal encoded with configuration data from an interface unit proximate a mobile device (Column 2 lines 50 – 58 of Berger discloses transmitting a sound based on a security code (configuration data) at the base station (interface unit) and then receiving the sound at the handset (mobile device)); **and**

means for configuring the mobile device based on the configuration data (Column 2 lines 50 – 58 of Berger discloses establishing a radio frequency link between the handset and the base station utilizing the security code. This is seen to be configuring the handset based on the configuration data since the link is being established using the security code).

As to Claim 40, Berger teaches a system, comprising:

means for initiating a client-to-client connection between a mobile device and an interface unit coupled to a communication network (Column 5 lines 59 – 67 and column 6 lines 1 – 10 of Berger discloses a handset and base station communicating with each other using sound to initialize a first radio frequency link);

means for receiving configuration data from the interface unit over the client-to-client connection (Column 6 lines 10 – 20 of Berger discloses the base unit transmitting additional security information to the handset via the first radio frequency link to establish a more secure radio frequency link); **and**

means for configuring the mobile device based on the configuration data (Column 6 lines 10 – 20 of Berger discloses that both the base unit and the handset then utilize the additional security information to establish the link).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 7, 16, 17, 26, 27, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger.

As to Claim 7. The method of claim 1, wherein the mobile device comprises a headset having a microphone and the method further comprises receiving the audio signal through the microphone (Column 5 lines 65 – 67 of Berger discloses that the transmitted security code is received by the microphone of the handset. The handset and headset are seen to be obvious variations of each other and at the time the invention was

made it would have been obvious to one of ordinary skill in the art at the time the invention was made to interchange the handset and headset for added convenience to the user).

"Common sense teaches, however, that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle...When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense." See *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007).

As to Claim 16, Berger teaches the method of claim 10, wherein initiating the client-to-client connection further comprises sending a public key from the mobile device to the interface unit (Column 5 lines 59 – 65 of Berger discloses transmitting via the speaker the security code (public key) from the base unit. However in column 6 lines 20 – 25 of Berger it is disclosed that the system can be implemented with the base unit and the handset essentially reversing roles. Thus it would be the handset sending the security code) **and receiving the configuration data further comprises receiving the configuration data encrypted with the public key** (Column 6 lines 5 – 10 of Berger discloses that the security code can be used as an encoding key. Thus it is inherent that if

it was used as an encoding key that the configuration data would have been encrypted using the key).

"Common sense teaches, however, that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle...When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense." See *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007).

As to Claim 17, Berger teaches the method of claim 16, further comprising decrypting the configuration data encrypted with the public key using a private key associated with the public key (Column 6 lines 5 – 10 of Berger discloses that the security code can be used as an encoding key. Although it is not explicitly stated that there is a public key/private key protocol being used it would be obvious to implement it given that using the security code as an encoding key is already taught. One of ordinary skill in the art at the time the invention was made would have seen utilizing a public key/private key protocol as an obvious variation to further increase the security of the initialization).

"Common sense teaches, however, that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle...When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense." See *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007).

As to Claim 26, Berger teaches the system of claim 20, wherein the mobile device comprises a headset having a microphone coupled to the processing unit, and the processing unit is further adapted to receive the signal through the microphone (Column 5 lines 65 – 67 of Berger discloses that the transmitted security code is received by the microphone of the handset. The handset and headset are seen to be obvious variations of each other and at the time the invention was made it would have been obvious to one of ordinary skill in the art to interchange the handset and headset for added convenience to the user).

"Common sense teaches, however, that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle...When there is a design need or market pressure to solve a problem and there are a finite number of identified,

predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense." See KSR v. Teleflex, 550 U.S. ___, 127 S. Ct. 1727 (2007).

As to Claim 27, Berger teaches the system of claim 20, wherein the mobile device comprises a headset having a sensor coupled to the processing unit, and the processing unit is further adapted to receive the signal through the sensor (Column 5 lines 65 – 67 of Berger discloses that the transmitted security code is received by the microphone of the handset, wherein the microphone is seen to be a sensor. The handset and headset are seen to be obvious variations of each other and at the time the invention was made it would have been obvious to one of ordinary skill in the art to interchange the handset and headset for added convenience to the user).

"Common sense teaches, however, that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle...When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense." See KSR v. Teleflex, 550 U.S. ___, 127 S. Ct. 1727 (2007).

As to Claim 35, Berger teaches **the system of claim 29, wherein the processing unit is further adapted to send a public key to the interface unit** (Column 5 lines 59 – 65 of Berger disclose transmitting via the speaker the security code (public key) from the base unit. However in column 6 lines 20 – 25 of Berger it is disclosed that the system can be implemented with the base unit and the handset essentially reversing roles. Thus it would be the handset sending the security code) **and the interface unit is adapted to encrypt the configuration data with the public key prior to sending the configuration data to the processing unit** (Column 6 lines 5 – 10 of Berger discloses that the security code can be used as an encoding key. Thus it is inherent that if it was used as an encoding key that the configuration data would have been encrypted using the key).

"Common sense teaches, however, that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle...When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense." See *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007).

As to Claim 36, Berger teaches the system of claim 35, wherein the processing unit is further adapted to decrypt the configuration data encrypted with the public key using a private key associated with the public key (Column 6 lines 5 – 10 of Berger disclose that the security code can be used as an encoding key. Although it is not explicitly stated that there is a public key/private key protocol being used it would be obvious to implement it given that using the security code as an encoding key is already taught. One of ordinary skill in the art at the time the invention was made would have seen utilizing a public key/private key protocol as an obvious variation to further increase the security of the initialization).

"Common sense teaches, however, that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle...When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense." See *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007).

10. Claims 4 – 6, 13 – 15, 23 – 25 and 32 - 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger as applied to claims 1 and 10 above, and further in view of “Wireless Headset HDW-2 Users’s Guide” to Nokia (hereinafter “HDW-2 User Guide”).

As to Claim 4, Berger teaches **the method of claim 1**. Berger does not teach but HDW-2 User Guide teaches **further comprising providing a confirmation signal to a user of the mobile device responsive to configuring the mobile device** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. This is seen to providing a confirmation signal to the user responsive to the configuration of the pairing).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of claim 1 as taught by Berger, with providing a confirmation signal to a user responsive to configuration as taught by HDW-2 User Guide.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine in order to inform the user that they can start using the headset (Page 12 of HDW-2 User Guide). Giving users confirmation of when a process is over so that they may act upon it is well-known and thus would have been obvious to try to implement in Berger's system.

As to Claim 5, Berger and HDW-2 User Guide teach **the method of claim 4**, **wherein providing the confirmation signal further comprises providing an audible signal to the user** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth

headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. The beep is seen to be an audible signal to the user).

Examiner recites the same rationale to combine used in Claim 4.

As to Claim 6, Berger and HDW-2 User Guide teach **the method of claim 5, wherein the mobile device comprises a headset having a speaker and providing the audible signal to the user comprises providing the audible signal through the speaker** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. It is inherent that producing a beeping sound on the headset would come out through the earphone (disclosed on page 7 of HDW-2 User Guide) which is seen to be a speaker).

Examiner recites the same rationale to combine used in Claim 4.

As to Claim 13, Berger teaches **the method of claim 10.** Berger does not teach but HDW-2 User Guide teaches **further comprising providing a confirmation signal to a user of the mobile device responsive to configuring the mobile device** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that

the configuration of the connection of the two devices is complete. This is seen to providing a confirmation signal to the user responsive to the configuration of the pairing).

Examiner recites the same rationale to combine used in Claim 4.

As to Claim 14, Berger and HDW-2 User Guide teach **the method of claim 13, wherein providing the confirmation signal further comprises providing an audible signal to the user** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. The beep is seen to be an audible signal to the user).

Examiner recites the same rationale to combine used in Claim 4.

As to Claim 15, Berger and HDW-2 User Guide teach **the method of claim 14, wherein the mobile device comprises a headset having a speaker and providing the audible signal to the user comprises providing the audible signal through the speaker** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. It is inherent that producing a beeping sound on the headset would come out through the earphone (disclosed on page 7 of HDW-2 User Guide) which is seen to be a speaker).

Examiner recites the same rationale to combine used in Claim 4.

As to Claim 23, Berger teaches **the system of claim 20**. Berger does not teach but HDW-2 User Guide teaches **wherein the processing unit is further adapted to provide a confirmation signal to a user of the mobile device responsive to configuring the mobile device** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. This is seen to providing a confirmation signal to the user responsive to the configuration of the pairing).

Examiner recites the same rationale to combine used in Claim 4.

As to Claim 24, Berger and HDW-2 User Guide teach **the system of claim 23, wherein the confirmation signal further comprises an audible signal** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. The beep is seen to be an audible signal to the user).

Examiner recites the same rationale to combine used in Claim 4.

As to Claim 25, Berger and HDW-2 User Guide teach **the system of claim 24, wherein the mobile device comprises a headset having a speaker, and the processing unit is further adapted to send the audible signal through the speaker** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. It is inherent that producing a beeping sound on the headset would come out through the earphone (disclosed on page 7 of HDW-2 User Guide) which is seen to be a speaker).

Examiner recites the same rationale to combine used in Claim 4.

As to Claim 32, Berger teaches **the system of claim 29**. Berger does not teach but HDW-2 User Guide teaches **wherein the processing unit is further adapted to provide a confirmation signal to a user of the mobile device responsive to configuring the mobile device** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. This is seen to providing a confirmation signal to the user responsive to the configuration of the pairing).

Examiner recites the same rationale to combine used in Claim 4.

As to Claim 33, Berger and HDW-2 User Guide teach **the system of claim 32, wherein the confirmation signal further comprises an audible signal** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. The beep is seen to be an audible signal to the user).

Examiner recites the same rationale to combine used in Claim 4.

As to Claim 34, Berger and HDW-2 User Guide teach **the system of claim 33, wherein the mobile device comprises a headset having a speaker and the processing unit is further adapted to provide the audible signal through the speaker** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. It is inherent that producing a beeping sound on the headset would come out through the earphone (disclosed on page 7 of HDW-2 User Guide) which is seen to be a speaker).

Examiner recites the same rationale to combine used in Claim 4.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berger as applied to claim 1 above, and further in view of U.S. Pat. No. 6556965 to Borland et al. (hereinafter “Borland”).

As to Claim 8, Berger teaches **the method of claim 1**. Berger does not teach but Borland teaches **wherein the mobile device comprises a headset having a sensor and the method further comprises receiving the video signal through the sensor** (Column 6 lines 60 – 68 of Borland discloses a handset transceiver being an infrared or other optical transceiver that communicates with other units by IR or visible-light signals. As to the headset, the handset and headset are seen to be obvious variations of each other and at the time the invention was made it would have been obvious to one of ordinary skill in the art to interchange the handset and headset for added convenience to the user).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of claim 1 as taught by Berger, with using a sensor that receives video signals as taught by Borland.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine in order to utilize another form of short range communication. Using various forms of short range communications each have their advantages and disadvantages, and so substituting one for the other as needs change is obvious.

"Common sense teaches, however, that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle...When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense." See *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007).

12. Claims 9 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger as applied to claim 1 above, and further in view of U.S. Pat. No. 6473613 to Beamish et al. (hereinafter "Beamish") and U.S. Pub. No. 2005/0136834 to Bonta et al. (hereinafter "Bonta").

As to Claim 9, Berger teaches **the method of claim 1**. Berger does not teach but Beamish teaches **wherein the interface unit is adapted to display the configuration data** (Column 5 lines 55 – 60 of Beamish discloses that the security code is displayed at the display. The display is shown on the base unit as component 112 in figure 1 of Beamish and thus it is seen that the interface unit is displaying the configuration data) **and receiving the at least one of the audio and the video signal further comprises receiving a speech signal from a user including the configuration data** (Paragraphs [0035] and [0036] of Bonta disclose a voice unit that may act as a voice recognition unit and that will transfer recognized commands over the network connection to the

communication unit, for example to establish the wireless network connection with the wireless network).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of claim 1 as taught by Berger, with displaying the configuration data as taught by Beamish.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine in order to give a known functionality to a similar device. Both Berger and Beamish describe phone systems that describe methods to make secure connections to handsets. Thus adding the functionality of Beamish, displaying configuration data on the base unit display, known at the time of invention to Berger would be obvious.

"Common sense teaches, however, that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle...When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense." See *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of claim 1 and displaying configuration data as taught by Berger and Beamish, with using speech signals from the user to transfer the configurations data as taught by Bonta.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine in order to add convenience to the user over what Beamish teaches in simply pushing the configuration information in on the keypads. Bonta states in paragraph [0004] that it would be desirable to provide a solution that reduces or eliminates the inevitable fumbling associated with operating the typical cellular handset, e.g. finding the correct buttons to push. Thus it would have been obvious to provide convenience to the user by replacing button pushing with voice commands.

As to Claim 28. The system of claim 20, wherein the signal further comprises a speech signal (Paragraphs [0035] and [0036] of Bonta disclose a voice unit that may act as a voice recognition unit and that will transfer recognized commands over the network connection to the communication unit, for example to establish the wireless network connection with the wireless network).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of claim 20 as taught by Berger, with using speech signals from the user to transfer the configurations data as taught by Bonta.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine in order to add convenience to the user. Bonta states in paragraph [0004] that it would be desirable to provide a solution that reduces or eliminates the inevitable fumbling associated with operating the typical cellular handset, e.g. finding the correct buttons to push. Thus it would have been obvious to provide convenience to the user by replacing button pushing with voice commands.

13. Claims 18, 19, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger as applied to claim 10 above, and further in view of U.S. Pub. No. 2003/0108009 to Petersen (hereinafter "Petersen").

As to Claim 18, Berger teaches the method of claim 10, further comprising:

determining a signal strength parameter associated with the mobile device

(Paragraph [0011] of Petersen discloses signal strength is measured in the wireless devices); **and**

sending the configuration data responsive to the signal strength parameter

exceeding a predetermined threshold (Paragraphs [0011] and [0012] of Petersen discloses comparing the signal strength to a predetermined signal strength value and then establishing a connection between the devices if the threshold is met).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of claim 10 as taught by Berger, with using the signal strength as a parameter in determining making a connection as taught by Petersen.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine to enhance security of the setup. Column 2 lines 15 – 20 of Berger disclose that sometimes data is communicated at a lower power transmission to help reduce the chance of an unauthorized user receiving the set up transmission. It is seen that it is well known that the signal strength of the transmission can be used to help make the transmission more secure. Thus using the signal strength as a parameter in determining whether or not a connection should be made would be an obvious addition to improve the security of the system.

As to Claim 19. The method of claim 10, further comprising:

determining a signal strength parameter associated with the interface unit

(Paragraph [0013] of Petersen discloses having the wireless devices perform measurement of the signal strengths); **and**

configuring the mobile device based on the configuration data responsive to the

signal strength parameter exceeding a predetermined threshold (Paragraphs [0011] and [0012] of Petersen discloses comparing the signal strength to a predetermined signal

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strength value and then establishing a connection between the devices if the threshold is met).

Examiner recites the same rationale to combine used in Claim 18

As to Claim 37, Berger teaches **the system of claim 29, wherein the interface unit is further adapted to determine a signal strength parameter associated with the mobile device and send the configuration data responsive to the signal strength parameter exceeding a predetermined threshold** (Paragraphs [0011] and [0012] of Petersen discloses measuring and comparing the signal strength to a predetermined signal strength value and then establishing a connection between the devices if the threshold is met).

Examiner recites the same rationale to combine used in Claim 18

As to Claim 38, Berger teaches **the system of claim 29, wherein the processing unit is further adapted to determine a signal strength parameter associated with the interface unit and configure the mobile device based on the configuration data responsive to the signal strength parameter exceeding a predetermined threshold** (Paragraphs [0011] and [0012] of Petersen discloses measuring and comparing the signal strength to a predetermined signal strength value and then establishing a connection between the devices if the threshold is met).

Examiner recites the same rationale to combine used in Claim 18

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 7130647 – Cordless Telephone System

U.S. Pat. No. 7278084 – Method and System for Providing Communications Security

U.S. Pub. No. 2005/0015618 – System and Method for Establishing Authenticated
Wireless Connection Between Mobile Unit and Host

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN S. MAI whose telephone number is (571)270-5001. The examiner can normally be reached on Monday through Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on 571-272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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KSM

/Taghi T. Arani/

Supervisory Patent Examiner, Art Unit 4121

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